

Federal Way Municipal Court Local Rules

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FWMCLR 1
ADOPTION OF LOCAL RULES

These rules are adopted pursuant to GR 7, CrRLJ 1.7 and IRLJ 1.3.

FWMCLR 2
TITLE OF RULES

These rules may be known and cited as the Federal Way Municipal Court Local Rules and Federal Way Municipal Court Local Infraction Rules and shall be referred to as FMCLR and FMCLIR.

FWMCLR 3
COURT BUSINESS HOURS

The Federal Way Municipal Court shall be open to the public for business from 8:30 AM to 12:00 PM and 1:00 PM to 4:30 PM Monday through Friday of each week except for holidays scheduled by Order of the State of Washington Supreme Court or the Federal Way Municipal Court Presiding Judge.

FWMCLR 4
COMMISSIONERS

The Court may employ judicial officers as commissioners, who shall serve at the pleasure of the Presiding Judge. A commissioner shall be appointed in accordance with RCW 3.50.075 and Federal Way Municipal Ordinance 99-339, section 2-311. Commissioners shall perform such other duties and hear matters as may be assigned to them by the Presiding Judge of the Court.

FWMCLR 5
FILING OF PAPERS AND FORM OF PLEADINGS

(a) Action Documents. Pleadings or other papers requiring action on the part of the court or court clerk (other than file stamping, docketing and placing in the court file) shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page, stating: "Clerk's Action Required". The action to be taken must be stated next to or directly beneath the special caption. The clerk will not search through letters, notices of appearance, requests for discovery, or other materials to locate possible requests for action items.

(b) Format. All pleadings and other papers shall include the following, unless otherwise authorized by the court:

(1) Service and Filing. Space should be provided at the top of the first page of a document allowing on the right half for the clerk's filing stamp, and in the left half for proof of, or acknowledgement of, service.

(2) Numbered Paper. All pleadings, motions, affidavits, briefs, and other supporting documents prepared by parties should be on paper with line numbering in the left hand margin.

(c) Handling by Clerk. All pleadings or other papers with proper caption and cause number will be date receipted, docketed and placed in the court file by the Clerk of the Municipal Court in the order received. Provided, however, parties may file pleadings in the lockbox at the clerk's window, but must date stamp the original of any such documents using the stamp provided by the court and place the pleadings in the box by no later than 4:30 p.m. to be counted as filed on that day. The clerk shall correct any mis-stamped documents.

(d) Form of Pleadings. Pleadings in compliance with this rule shall be in substantially the following form:

SPACE FOR SERVICE/SPACE FOR COURT PROOF

/FILING STAMP

IN THE MUNICIPAL COURT FOR
THE CITY OF FEDERAL WAY
KING COUNTY, STATE OF WASHINGTON

City of Federal Way,)	
)	CAUSE NO. XXXXX
Plaintiff,)	
)	CLERK'S ACTION REQUIRED
)	(note action required here or
)	in first paragraph)
vs.)	
)	MOTION TO SET FOR REVIEW
_____,)	
Defendant)	

CLERK'S ACTION REQUIRED: (note action required here or in caption).

Amended 6/27/2008

FWMCLR 6
PRE-TRIAL HEARINGS

A. Unless otherwise ordered by the Court in a specific case for good cause, all cases in which a defendant enters a plea of not guilty should be set for a pre-trial hearing. The defendant shall be required to attend all hearings unless excused by the Court.

B. The first pre-trial hearing set on a case will be continued upon an agreed motion of the parties. The clerk is authorized to approve such orders, enter the agreed upon date in the record, and add such matters to the docket as requested in the agreed order. The clerk can decline the proposed date if they determine that there is sufficient court congestion to warrant selection of another date.

Amended 6/27/2008

FWMCLR 7
BAIL

Federal Way Municipal Court will follow the bail schedule set forth in Washington Court Rule CrRLJ 3.2 and the Federal Way City Code (FWCC).

FWMCLR 8
RECALL NO CONTACT ORDERS

When a case is dismissed, any No Contact Order issued with that case shall be recalled.

FWMCLR 9
EVIDENCE - COURTS CUSTODY OF EXHIBITS

In a criminal case every exhibit in the court's custody, which is not contraband and for which ownership is not in dispute, shall be returned to the party who produced that exhibit upon motion of that party and expiration of the appeal period. In the event of finding of guilty, for purpose of this rule, the appeal period shall begin on the day of sentencing or deferral of sentencing by the court. Exhibits not withdrawn shall be delivered by the court to the Federal Way Police Department for disposition as abandoned property; or if contraband, for destruction. No exhibit shall be released by the court without its being receipted for by the receiving person.

FWMCLR 10
AUTHORIZATION FOR CONTINUANCE OF ARRAIGNMENTS

If a defendant requests a continuance of his or her arraignment date in person, the Clerk of the Court is authorized to continue and reset the arraignment to a date not later than seven (7) days after the date on which the arraignment was initially set, without the matter needing to come before the Court in open session to consider the request for a continuance of the arraignment, on the condition that the defendant shall sign a notice of the new arraignment date.

This authorization for continuance of arraignment shall not apply to cases involving alleged DUI, Physical Control, or any crime of Domestic Violence.

FWMCLR 11
CONTINUANCE OF ARRAIGNMENT

Pursuant to RCW 46.61.50571, the arraignment and the appearance of a defendant charged under RCW 46.61.502, 503 and 504 may be moved by the clerk from the

judicial day following service of the citation to the next regularly scheduled arraignment calendar if such a change is requested in writing by the defendant.

Amended 6/27/2008

FWMCLR 12
ARRAIGNMENT

Arraignment: A lawyer may, pursuant to CrRLJ 4.1, enter an appearance on behalf of a client and waive arraignment except charges involving DUI, Physical Control, or any Domestic Violence offense, whereupon the defendant's presence is mandatory and cannot be waived.

Amended 6/27/2008

FWMCLR 13
CONFIRMATION OF MOTIONS

For any motion set pursuant to CrRLJ 3.5 and 3.6, the moving party shall notify the non-moving party by 4:30 PM, two business days before the day the Motion is set for, that the moving party intends to proceed with their motion. If the non-moving party does not receive confirmation that the motion will be heard on the day it is set for, the non-moving party may advise its witnesses that they do not need to appear for that hearing.

Amended 6/27/2008 (Change Rule Number only)

FWMCLR 14
USE OF A COLLECTION AGENCY AND ASSESSMENT AS COURT COST OF AMOUNTS
PAID FOR COLLECTION SERVICES

A. The Court may use the services of a collection agency for the purposes of collecting unpaid and delinquent penalties on infractions, criminal fines, costs, assessments and forfeitures. The terms and conditions of the contract for collection services shall be between the Federal Way Municipal Court and said collection agency, and may be amended as necessary.

B. The collection agency's fee or charge, as set forth in said contract, shall be added by the collection agency as a Court cost to the total judgment of the Court against each defendant whose account is referred by the Court to the collection agency.

C. Nothing in this section shall prevent the Court from notifying the Department of Licensing of the defendant's failure to pay a fine and/or costs as ordered by the Court.

FWMCLR 15
PRESIDING JUDGE

A. The Presiding Judge shall be responsible for the efficient management and administration of the Court, recommending policies and procedures that improve the court's effectiveness, and allocating resources in a way that maximizes the court's ability to resolve disputes fairly and expeditiously. The Presiding Judge shall supervise the preparation and filing of all reports required by statute or rule and shall perform such other duties as may be prescribed by statute, ordinance or rule.

B. The Presiding Judge shall direct the work of the Court Administrator who will have direct supervision over all administrative, nonjudicial functions and all other court personnel

except that the Presiding Judge shall directly supervise the Commissioner(s) and Judge Pro-Tempore(s).

FWMCLR 16
VIDEO CONFERENCE PROCEEDINGS

A. Criminal: Pursuant to GR 19, preliminary appearances as defined by CrRLJ 3.2.1(d), arraignments as defined by CrRLJ 3.4 and 4.1, bail hearings as defined by CrRLJ 3.2, and trial settings as defined by CrRLJ 3.3(d), may be conducted via video conference in which all participants can simultaneously see, hear, and speak with each other shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All videoconference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the Court. Any party may request an in-person hearing which may, in the Court's discretion, be granted.

B. Agreement: Other trial court proceedings including but not limited to pre-trial hearings and the entry of a Statement of Defendant on Plea of Guilty as defined by CrRLJ 4.2 may be conducted by video conference only by agreement of the parties.

For purposes of videoconference proceedings, the facsimile signature(s) of the defendant, counsel, interested parties and the Court will be treated as if it were an original. This includes all other documents as the Court determines are appropriate or necessary.

Amended 6/27/2008

FWMCLR 1
DISCOVERY REQUESTS

Upon written request of a defendant the clerk shall provide copies of the Notice of Infraction, the officer's reports, witness statements, and the speed measuring device certification that are contained in the court's file. Any other requests for discovery shall be set for hearing to determine the relevance of such requests.

Amended 6/27/2008

FWMCLR 2
SUBPOENAS AND WITNESSES

A request by a defendant for the court to authorize a subpoena of a witness must be received 14 days before the date of the contested hearing. This includes the police officer whose presence is not required unless subpoenaed. In cases where the request for a subpoena is made 14 days or less prior to the scheduled hearing, the Court may deny the request for the subpoena or condition the issuance of the subpoena upon a continuance of the hearing date.

It is the responsibility of the party requesting the subpoena to arrange for proper service of the subpoena on the witness.

Amended 6/27/2008

FWMCLR 3
HANDLING OF REQUESTS FOR HEARINGS AFTER FAILURE TO RESPOND

A. If a defendant who has failed to appear or respond to a notice of infraction, on not more than one occasion, as required by RCW 46.63.070 and Rule 2.4 of the Infraction Rules for Courts

of Limited Jurisdiction (IRLJ), requests that the Court set his/her case for a hearing, the Clerk of the Court shall be authorized to set a date for the originally requested hearing, and recall any Failure to Appear Fees, pleadings or correspondence from the Department of Licensing reflects the failure to respond or appear, if any was sent, on the following conditions:

(1) The defendant, within 30 days of the date by which a request for a hearing should have been received by the Court, delivers to the Court an envelope containing his/her request for a hearing, with a postmark clearly indicating that the envelope was addressed and mailed to the Federal Way Municipal Court within the time frame for requesting a hearing pursuant to statute and Court rule, and with the envelope indicating that it was returned to the defendant, or;

(2) The Court, within 30 days of the date by which a request for a hearing should have been received by the Court, receives in the mail an envelope containing the defendant's request for a hearing, with the envelope showing a postmark clearly indicating that the envelope was mailed to the Court within the time frame for requesting a hearing pursuant to statute and Court rule.

Amended 6/27/2008 (Change Rule Number only)

FWMCLIR 4
VACATING DEFAULT ON FTA

A defendant against whom a judgment for a traffic infraction has been entered by default for failure to appear within the past 180 days, may file a motion in writing, requesting that said judgment be set aside with payment of the Fail to Appear Fee as set by State Law. The motion will then be set for hearing with the Defendant present. The motion will be evaluated in conformity with CLRJ 60(b). If the Court grants the motion, the matter will be set for a hearing of the kind requested by the defendant. Hearings may be heard at the time of the motion at the discretion of the Judge.

FWMCLIR 5
DECISION ON WRITTEN OR E-MAIL STATEMENTS

Traffic infractions may be heard by the Court on the basis of written or e-mail submissions from the City and the defendant. Written or e-mail submissions must be provided to the Court in advance of the date set for contested hearing or mitigation in compliance with Infraction Rules of Limited Jurisdiction (IRLJ).

FWMCLIR 6
PROOF OF INSURANCE

If a defendant who is charged with driving a motor vehicle without having proof of valid insurance pursuant to RCW 46.20, presents satisfactory evidence of valid insurance being in effect at the time the citation was issued, for the defendant or the vehicle the defendant was operating, then \$25.00 in court costs shall be assessed and the charge dismissed.

Amended 6/27/2008

FWMCLIR 7
DISABLED PARKING

If a person charged with violation of parking in a disabled space without proper parking placard, license plate or picture

identification, presents to the court clerk evidence that the person had in effect at the time of citation the required parking placard, and an identification card bearing picture, name and date of birth of the permit holder as well as the placard's serial number, the infraction shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in court records.

FWCLIR 8
PHOTO ENFORCEMENT

A. The clerk may delegate administrative functions, docketing of cases, and collection of fines generated by Notices of Infraction issued under RCW 46.63.170 pursuant to the terms of an agreement between the court and a third party.

B. Hearings for disposition of such offenses may be heard in open court or as provided for in FWCLIR 5.

Created 6/27/2008

FWCLIR 9
ATTORNEYS AT CONTESTED CODE COMPLIANCE HEARINGS

The court may require that the city have an attorney appear at contested code compliance infraction hearings.

Created 6/27/2008

FWCLIR 10
PHOTO ENFORCEMENT MONETARY PENALTY

Unless a different penalty is provided for by state law or local ordinance, the monetary penalty for an infraction issued through means of a photo enforcement system shall not exceed \$124.

Created 4/23/2009